



June 16, 2016

VIA ECF AND EMAIL

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
Courtroom: 618
40 Foley Square
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

Re: Kiderman et al. v. Downing Investment Partners, LP et al., 16-cv-04040, First Amended Complaint

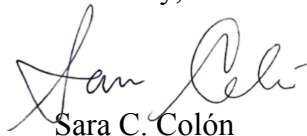
Dear Judge Failla:

I am counsel for Downing Investment Partners, LP; Downing Partners, LLC; Downing Health Technologies, LLC f/k/a Downing Digital Healthcare Group, LLC; Surgical Safety Solutions Interactive, LLC; Surgical Safety Solutions, LLC; Downing Medical Device Group, LLC; 3SI Systems, LLC; David W. Wagner; Michael H. Shaut; Richard Buckingham; Jeff Rice; Marc M. Lawrence; Michael Grumbine; Brett Giffin; Greg Auda; Marco Zenati; George Robbie; and Glenn Haufler, (referred to herein collectively as the “Downing Defendants”), in the above-referenced matter.

I am writing to withdraw the Downing Defendant’s June 14, 2016 letter (Docket No. 55) regarding a motion to dismiss and request that the Court take the July 7, 2016 premotion conference off-calendar because Plaintiffs’ counsel informed me that they intend to file an amended complaint adding Mark Miller and David Staldeer as plaintiffs and IVC Health Com LLC as a defendant. The Downing Defendants consent to the addition of these parties.

The Downing Defendants have informed Plaintiffs of their intent to file a response to the amended complaint instead of filing a response to the initial complaint and Plaintiffs have consented. The Downing Defendants reserve their right to file a motion to dismiss the amended complaint, in which case the Downing Defendants will file another letter with the Court. The Downing Defendants request the Court’s approval of the foregoing.

Sincerely,



Sara C. Colón